

REMARKS

In the non-final Office Action, the Examiner rejected claims 1-5 and 21 under 35 U.S.C. § 103(a) as unpatentable over Nikolich et al. (U.S. Patent No. 6,826,195) in view of Creason et al. (U.S. Patent Application Publication No. 2002/0012232), and objected to claims 6-20 and 22-28 as being allowable if rewritten to include all of the features of the base claim and any intervening claims.

By this Amendment, Applicants amend claims 1, 7, 15-18, 21, and 23-26 to improve form, and cancel claims 5, 6, and 22 without prejudice or disclaimer. No new matter has been added. Claims 1-4, 7-21, and 23-28 are pending.

At page 2, paragraph 1 of the Office Action, the Examiner objected to claims 1-28, asserting that “such as a Hybrid-Fiber-Coax Network” should be removed from the preamble of claim 1 based on MPEP § 2173.05(d). Applicants amend claim 1 to remove the specified feature. Accordingly, Applicants respectfully request withdrawal of the objection to the claims.

At page 2, paragraph 2 of the Office Action, the Examiner objected to claim 6, citing a minor informality. Applicants cancel claim 6 without prejudice or disclaimer. Accordingly, Applicants respectfully submit that the objection to the claim is moot.

Also at page 2 of the Office Action, the Examiner rejected claims 1-5 and 21 under 35 U.S.C. § 103(a) as allegedly unpatentable over Nikolich et al. in view of Creason et al. Applicants respectfully traverse the rejection.

While not acquiescing in the Examiner's rejection, but simply to expedite prosecution, Applicants amend independent claim 1 to include features similar to features recited in original claim 6, which the Examiner, at page 3, paragraph 4 of the Office Action, indicated as being allowable. Thus, Applicants submit that claim 1 is patentable over Nikolich et al. and Creason et

al. individually, or in combination. Applicants cancel claim 5 without prejudice or disclaimer.

Claims 2-4 depend from claim 1 and are, therefore, patentable over Nikolich et al. and Creason et al. individually, or in combination, for at least the reasons given with respect to claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims.

Applicants further amend claim 21 into independent form to include the features of claim 22, which the Examiner indicated includes allowable subject matter. Thus, Applicants submit that claim 21 is patentable over Nikolich et al. and Creason et al. individually, or in combination.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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